

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:24-cv-00041-MR**

RODERICK BOYKINS,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
SCOTLAND CORRECTIONAL)	
INSTITUTION, et al.,)	
)	
Defendants.)	
)	

THIS MATTER is before the Court on initial review of Plaintiff's Complaint. [Doc. 1].

I. BACKGROUND

In this action filed on January 11, 2024, pro se Plaintiff Roderick Boykins ("Plaintiff"), a state prisoner currently incarcerated at Foothills Correctional Institution in Morganton, North Carolina, brings this action pursuant to 42 U.S.C. § 1983 against Scotland Correctional Institution ("Scotland CI") in Laurinburg, North Carolina,¹ and several officials at Scotland CI. [Doc. 1 at 1-2]. Plaintiff alleges that Defendants violated his rights under the Fifth and Fourteenth Amendments. [Id. at 3]. Plaintiff claims

¹ Laurinburg, North Carolina, is in the Middle District.

injury to his character, humiliation, and increased blood pressure. [Id. at 13].

Plaintiff seeks monetary and injunctive relief. [Id. at 15].

II. DISCUSSION

In an action arising under 42 U.S.C. § 1983, venue is established by 28 U.S.C. § 1391(b), which provides: A civil action may be brought in: (1) a judicial district where any defendant resides, if all defendants are residents of the State in which the district is located; (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated; or (3) if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court's personal jurisdiction with respect to such action.

Therefore, under Section 1391, Plaintiff's action may be heard in a venue where all the defendants reside, or in the venue where the issue substantially arose, which here is the Middle District of North Carolina. Pursuant to 28 U.S.C. § 1406(a), the Court may dismiss this action, or, if it is in the interest of justice, transfer this action to the United States District Court for the Middle District of North Carolina. The Court will transfer this action to the Middle District of North Carolina.

III. CONCLUSION

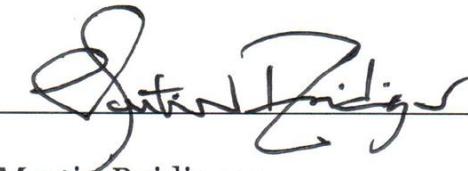
For the reasons stated herein, the Court transfers this action to the Middle District of North Carolina.

IT IS, THEREFORE, ORDERED that:

1. Plaintiff's action is transferred to the Middle District of North Carolina.
2. The Clerk is instructed to terminate this action.

IT IS SO ORDERED.

Signed: January 16, 2024



Martin Reidinger
Chief United States District Judge

